

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Menard Electric Cooperative,	:	
Complainant,	:	
	:	
vs.	:	
Central Illinois Public Service Company,	:	
Respondent	:	ESA 13
	:	
Complaint under Electric Supplier Act regarding :	:	
service in Menard County, Illinois.	:	

O R D E R

By the Commission:

Menard Electric Cooperative, hereinafter sometimes referred to as "Complainant", on December 30, 1965, filed its Complaint with this Commission, which has been assigned ESA 13, praying that it be authorized to extend and furnish temporary service to the site of a proposed fertilizer plant in order to supply electric energy to the contractor and that Central Illinois Public Service Company, hereinafter sometimes referred to as "Respondent", be required to remove all of its lines and facilities constructed or installed since July 2, 1965, in the vicinity of the site for the purpose of serving the proposed fertilizer plant of Menard Service Company, hereinafter sometimes referred to as "Menard Service". Respondent filed its Answer on January 12, 1966, praying that the objection of Complainant be overruled and the prayer of Complainant be denied.

The cause came on for hearing before an authorized hearing officer of the Commission at the Commission offices in Springfield, Illinois, on January 28, 1966, at the conclusion of which it was marked "Heard and Taken."

The site is a triangular piece of land between two highways containing 6.4 acres and is located about $3\frac{1}{2}$ miles South of the City of Greenvew, Illinois, on S.B.I. Route 29.

Respondent, on July 2, 1965, operated and maintained a 69 KV line upon and along the South and West side of the site. It is about 300 to 350 feet from said 69 KV line to the

proposed normal service connection point of Menard Service. Underbuilt on said 69 KV line, on July 2, 1965, was a 3 phase line of Respondent, which extended to a point that is 2.3 miles from the proposed normal service connection point of Menard Service and from the termination of said 3 phase underbuilt on said 69 KV line was a single phase line underbuilt on said 69 KV line to a point, which, on July 2, 1965, was 5356 feet from the normal service connection point of Menard Service.

Complainant, on July 2, 1965, had a single phase line which was 3200 feet West of the site of Menard Service. It also, on July 2, 1965, had a 3 phase line which was 3.2 miles from the normal service connection point of Menard Service.

Complainant contends that in determining proximity under the Electric Supplier Act, the Commission may not consider as a line the 69 KV line of Respondent. Respondent, on the other hand, points out that Section 3.6 of the Electric Supplier Act is as follows: "'Existing line' means any line of an electric supplier which on the effective date of this Act, is (a) in existence or (b) is under construction as determined in accordance with accepted engineering practices. The term includes any such line which one electric supplier may acquire from another electric supplier after such effective date,"; that Section 3.9 of said Act is as follows: "'Line' means any electric line or cable whether overhead or underground", and that Section 3.13 of said Act is as follows: "'Proximity' means that distance which is shortest between a proposed normal service connection point and a point on an electric supplier's line, which is determined in accordance with accepted engineering practices by the shortest direct route between such points which is practicable to provide the proposed service."

The Commission, having considered the Complaint and Answer thereto and the evidence submitted at the hearing, is of the opinion and finds:

- (1) that the Commission has jurisdiction of the subject matter and of the parties to this cause;
- (2) that the recitals of fact herein above and hereafter set forth in this order are supported by the evidence introduced in the record herein and are hereby adopted as findings of fact;
- (3) that Central Illinois Public Service Company is a corporation engaged, among other things, in the generation, transmission, distribution and sale of electric energy in Illinois, and is in so doing a public utility within the meaning of "An Act concerning public utilities", approved June 29, 1921, as amended, and is an electric supplier within the meaning of the Electric Supplier Act, approved July 2, 1965;
- (4) that Menard Electric Cooperative is an Illinois not-for-profit corporation engaged in furnishing and distributing electric energy and is an electric supplier within the meaning of the Electric Supplier Act approved July 2, 1965;
- (5) that Respondent's 69 KV line was constructed in 1929 as a 34.5 KV line and was later converted to a 69 KV line and was an existing line on July 2, 1965;
- (6) that the distance between Respondent's 69 KV line and the proposed normal service connection point of Menard Service by the shortest direct route between said points which is practicable to provide the proposed service, is between 300 and 350 feet;
- (7) that underbuilt on said 69 KV line, on July 2, 1965, was a 3 phase line which extended to a point that was 2.3 miles from the proposed normal service connection point of Menard Service and from the termination of said 3 phase underbuilt line on said 69 KV line a single phase line was underbuilt on said 69 KV line to a point which, on July 2, 1965, was 5356 feet from the normal service connection point of Menard Service;
- (8) that said underbuilt 3 phase and single phase line on said 69 KV line was also constructed in 1929;
- (9) that Menard Service, under date of December 13, 1965, entered into an electric service agreement with Respondent, under which Respondent agreed for a period of ten (10) years from January 1, 1966, to furnish electric power to the fertilizer plant of Menard Service at said site;

- (10) that following the execution of said electric service agreement, Respondent extended its 3 phase and single phase underbuilt line on said 69 KV line to the normal service connection point of Menard Service at a cost, including transformers, of \$3,533.69;
- (11) that Respondent's Division Electrical Engineer estimated that the cost to extend Respondent's underbuilt single phase line to the site of Menard Service, together with a phase converter, would be \$3,113.94; while the electric engineer who testified for Complainant estimated that the cost to extend Respondent's underbuilt single phase line to the site of Menard Service, together with a phase converter, would be \$3,290.00;
- (12) that the engineer who testified for Complainant estimated that the cost to extend Complainant's single phase line to the site of Menard Service, together with a phase converter, would amount to \$3,056.99; that this amount did not include anything for right of way which the testimony shows can be obtained without cost to Complainant;
- (13) that as of July 2, 1965, the effective date of the Electric Supplier Act, the Complainant would have had to build 3200 feet of single phase line to provide the proposed service, while for Respondent to provide such service in accordance with accepted engineering practices, some 5356 feet or slightly more of single phase line would have to be built;
- (14) that Respondent contends that because it had a 69 KV line within 250 or 300 feet of the normal connection point on the customer's premises, it has a "Line" in greater proximity to such point and, therefore, is entitled to serve the customer, but the Act (Sec. 3.13) provides that proximity means that distance which is shortest between the proposed normal service connection point and a point on an electric supplier's line, which is determined in accordance with accepted engineering practices by the shortest direct route between such points which is practicable to provide such service, and since the record here shows, and the Commission so finds, that it would not be practicable to provide the required service from the point on the 69 KV line nearest to customer's point of delivery, that point cannot be given any weight in the determination of proximity;
- (15) that the cost of providing the equipment, including the stepdown transformers, to provide the power at proper voltage from the 69 KV line to service the customer would be between \$20,000 and \$40,000;
- (16) that Respondent is now serving the contractor for customer with temporary service for construction purposes with single phase service from a point on Respondent's lines which is 5386 feet from customer's premises and not from that point on the 69 KV line which is some 250 to 300 feet from customer's delivery point;

- (17) that the lines of Complainant are adequate, and as of July 2, 1965, and now are closest to customer as determined in accordance with accepted engineering practices and by the shortest direct route between those points which are practicable for providing such service;
- (18) that Complainant can provide the proposed service with the smaller amount of invested capital;
- (19) that it is in the public interest that Menard Electric Cooperative provide the proposed service to the customer.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Menard Electric Cooperative, Inc., be and the same is hereby, entitled and permitted to furnish electric service to said customer and it is hereby directed and authorized to extend its lines and electric service to and for said customer permanently.

IT IS FURTHER ORDERED that the Respondent, Central Illinois Public Service Company, be, and it is hereby, directed to remove all of its lines and other electric equipment made and erected for the furnishing of electrical service to the customer since July 2, 1965, and that lines and equipment be removed within thirty (30) days after the need for temporary services has ended.

IT IS FURTHER ORDERED that this Commission retain jurisdiction of the subject matter herein and of the parties hereto for the purpose of issuing such further order or orders as it may deem necessary.

By order of the Commission this 26th day of October, 1966.

James W. Karber
Chairman

LAG/mls

EXAMINER <i>W.G.</i>
SECTION CHIEF
<i>ZTC</i> Supervisor of Orders